

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
SBC Communications, Inc. Petition for	)	
Forbearance from Section 272 of the	)	WC Docket No. 02-156
Federal Telecommunications Act of 1996	)	
_____	)	

**COMMENTS OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA),<sup>1</sup> through the undersigned and pursuant to Federal Communications Commission (FCC) Rules 1.415 and 1.419,<sup>2</sup> hereby submits its comments in the above-docketed proceeding. In this proceeding, the FCC seeks comment on SBC Communications, Inc. (SBC) request for forbearance from section 272 of the Communications Act of 1934, as amended, (Act) in regards to the provision of nonlocal directory assistance (NDA) services for Nevada Bell.<sup>3</sup>

**SUMMARY**

On May 24, 2002, SBC filed a petition seeking forbearance from section 272 of the Act. The petition was filed in accordance to the FCC's decision in the *SBC NDA Order*, where the Commission granted SBC's petition for forbearance in a virtually identical proceeding.<sup>4</sup> In the

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<sup>1</sup> USTA is the Nation's oldest trade organization for the local exchange carrier industry. USTA's carrier members provide a full array of voice, data and video services over wireline and wireless networks.

<sup>2</sup> 47 C.F.R. §§ 1.415 and 1.419.

<sup>3</sup> See Petition of SBC Communications, Inc. for Forbearance from Section 272 of the Federal Telecommunications Act of 1996 at ¶1 (Petition).

<sup>4</sup> See *BellSouth Petition for Forbearance for Nonlocal Directory Assistance Service; Petition of SBC Communications, Inc. for Forbearance of Structural Separation Requirements and Request for Immediate Interim Relief in Relation to the Provision of Nonlocal Directory Assistance Services; Petition of Bell Atlantic for Further Forbearance from Section 272 Requirements in Connection with National Directory Assistance Services*, CC Docket No. 97-172, Memorandum Opinion and Order, 15 FCC Rcd 6053 (2000) (*SBC NDA Order*).

*SBC NDA Order*, the FCC declined to address SBC's forbearance petition, on behalf of Nevada Bell, from section 272 of the Act because Nevada Bell did not provide NDA service at the time.<sup>5</sup> The FCC determined that "{N}evada Bell must demonstrate that its nonlocal directory assistance service falls within the scope of section 271(g)(4) at the time it seeks to provide such service."<sup>6</sup> In this proceeding, SBC states that Nevada Bell intends to offer NDA services in October of 2002.<sup>7</sup>

## DISCUSSION

### I. The FCC's Rules And The Public Interest Support SBC's Petition

Section 271(g)(4) allows a BOC to provide incidental interLATA services where the service "... permits a customer that is located within one LATA to retrieve stored information from ... information storage facilities of such company that are located in another LATA."<sup>8</sup>

According to SBC's petition, Nevada Bell's proposed NDA services meet the requirements set forth under section 271(g)(4). Thus, the USTA supports SBC's petition as it demonstrates that Nevada Bell's proposed NDA service falls within the scope of section 271(g)(4).

Moreover, USTA concurs with SBC that the FCC should draw upon its decision in the *SBC NDA Order*, using the section 10<sup>9</sup> criteria to forbear from applying the separate affiliate requirements of section 272 of the Act to Nevada Bell's proposed NDA services. In addition, SBC's petition demonstrates that application of section 272 of the Act is not necessary to ensure

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<sup>5</sup> *Id.*, n.2.

<sup>6</sup> *Id.*

<sup>7</sup> Nevada Bell plans to offer NDA services in the same way as Pacific Bell Telecommunications and SWBT, using SBC-owned information storage facilities that provide NDA listings.

<sup>8</sup> 47 U.S.C. §271(g)(4).

<sup>9</sup> 47 U.S.C. §160(a). Section 10(a) requires that the Commission forbear from the application of any provision of the Act, if it determines that:

(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

just and reasonable rates or protect consumers. As the FCC stated in the *SBC NDA Order*, “. . . we conclude that allowing the Petitioners to provide nonlocal directory assistance service on an integrated basis is in the public interest because it will allow the Petitioners to be more effective competitors in the nonlocal directory assistance services market.”<sup>10</sup> Thus, the USTA concurs with SBC that forbearance from section 272 of the Act is in the public interest and is warranted here because it will promote effective competition for NDA services in Nevada Bell’s market.

## **II. Conclusion**

For the reasons set forth herein, and specifically those facts presented in SBC’s forbearance petition, USTA supports SBC’s request for forbearance of section 272 of the Act and urges the FCC to grant the relief requested therein.

Respectfully submitted,

**UNITED STATES TELECOM ASSOCIATION**

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(2) enforcement of such regulation or provision is not necessary for the protection of consumers; and  
(3) forbearance from applying such provision or regulation is consistent with the public interest.

<sup>10</sup> See *SBC NDA Order* at ¶17 (relying on the FCC’s decision *In the Matter of Petition U S West Communications, Inc. for a Declaratory Ruling Regarding the Provision of National Directory Assistance*, CC Docket No. 97-171, *Petition of U S West Communications, Inc., for Forbearance*, CC Docket No. 97-172, *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Memorandum Opinion and Order, 14 FCC Rcd 16252 (1999), at ¶48).